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Atty. Dkt. No. 086531-0132

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Yasumasa Ooya et al.

Title: POSITIVE ELECTRODE ACTIVE MATERIAL AND NON-AQUEOUS SECONDARY BATTERY USING THE SAME

Appl. No.: 10/024,341

Filing Date: 12/21/2001

Examiner: S. Kalafut

Art Unit: 1745

RECEIVED  
JAN 06 2004  
TC 1700

**AMENDMENT TRANSMITTAL**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

Assertion of Small Entity status is enclosed.

The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	11	20	=	0 x \$18.00 =	\$0.00
Independents	2	3	=	0 \$86.00 =	\$0.00

First presentation of any Multiple Dependent Claims: + \$290.0 = \$0.00

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CLAIMS FEE TOTAL	=	\$0.00
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[ X ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

Extension for response filed within the first		
<input type="checkbox"/> month:	\$110.00	\$0.00
Extension for response filed within the second		
	\$420.00	\$0.00
Extension for response filed within the third		
	\$950.00	\$950.00
Extension for response filed within the fourth		
	\$1,480.00	\$0.00
Extension for response filed within the fifth		
	\$2,010.00	\$0.00
EXTENSION FEE TOTAL:		
		\$950.00
Statutory Disclaimer Fee under 37 C.F.R.		
	\$110.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE		
		\$950.00
	Small Entity Fees Apply (subtract ½ of above):	\$0.00
		\$950.00

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[ ] Please charge Deposit Account No. 19-0741 in the amount of \$950.00. A duplicate copy of this transmittal is enclosed.

[ X ] A check in the amount of \$950.00 is enclosed.

[ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith,

applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

By



Leon Radomsky  
Attorney for Applicant  
Registration No. 43,445

Date 12/22/03

FOLEY & LARDNER  
Customer Number: 22428  
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